

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:	)	
	)	
Provision of Directory Listing Information	)	CC Docket No. 99-273
Under the Communications Act of 1934,	)	
As Amended	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	
	)	
Administration of the North American	)	CC Docket No. 92-237
Numbering Plan	)	

**COMMENTS OF WILLIAM GANNON, WEPS INC., HOBBY.COM INC.  
AND RACEWAY.COM**

By and with undersigned counsel, William Gannon (“Mr. Gannon”) submits these comments on behalf of himself and certain information services companies he owns and controls, namely WEPS Inc., Hobby.Com Inc. and Raceway.com (collectively, the “Companies”), in response to the Notice of Proposed Rulemaking (“Notice”) the Federal Communications Commission (“Commission”) released on January 9, 2002, in the above-captioned matter. The Commission initiated this rulemaking to seek comment on the steps necessary to ensure the development of a competitive directory assistance (“DA”) market.<sup>1</sup> Among other alternative dialing arrangements under review, the Commission is considering employing national 555 numbers for DA, as Metro One, a provider of competitive DA services has proposed.<sup>2</sup>

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<sup>1</sup> Notice at ¶ 3.

<sup>2</sup> *Id.* at ¶ 47.

Mr. Gannon and the Companies have a significant interest in the outcome of this proceeding, especially with respect to the utilization and implementation of 555 numbers, and therefor respectfully provide these comments for consideration by the Commission.

Mr. Gannon was a market pioneer and an early information provider (“IP”) of “audiotex” and other telecommunications-based information services. He currently owns and manages the Companies and a number of other businesses that provide a vast array of information services. The public can access these competitive information services using alternative dialing patterns such as 800 and 888 that the industry (through the North American Numbering Plan Administrator (“NANPA”)) and the Commission have made available and for which they have established implementing rules and procedures. Mr. Gannon’s IP service offerings include comprehensive information and ordering for hobby novices and enthusiasts who seek toys, models, collectibles and remote controlled racing devices, cars, and related items, a service to locate out of print VHS and DVD movies, as well as subscription content services.

Based on his extensive experience in the competitive information services arena, Mr. Gannon is well acquainted with pre-subscription IP services such as those being considered by the Commission in this proceeding. Mr. Gannon agrees with Metro One that 555 numbers offer consumers easy-to-use access to the benefits of a competitive information services marketplace while avoiding the additional expense and occasional frustration caused by pre-subscription service requirements. Indeed, 555 numbers were created and authorized to provide these benefits to the public. Mr. Gannon and the Companies support Metro One’s proposal because 555 numbers are a cost-effective and consumer-friendly means of providing competitive DA services. To achieve the same benefits in the DA marketplace as existing 555 numbers were

intended to bring to other IP services, Mr. Gannon and the Companies support the Commission's proposal to set aside a limited and logical group of 555 numbers for such purposes.<sup>3</sup>

Through WEPS Inc., Mr. Gannon has three (3) national 555 numbers that he has been unable to use to date to provide competitive information services. If the Commission implements 555 numbers for competitive DA services, as we recommend, Mr. Gannon and the Companies, as well as many other business entities and the general public, would finally realize long-awaited benefits. The Commission would need to establish rules to require local exchange carriers ("LECs") to activate 555 numbers on a system-wide basis and to impose cost-based rates for provision of such access. Even if the Commission does not adopt the 555 dialing arrangement for competitive DA services, Mr. Gannon and the Companies urge it nevertheless to require LECs to take the necessary steps to activate current 555 numbers. Businesses that have invested time and resources in plans that utilize 555 numbers and the public that could reap the benefits of these services. The LECs, who have demonstrated a complete lack of cooperation and support in implementing the 555 NXX, have denied access to these services for too long.

When the NANPA first introduced the 555 NXX, it anticipated that these important numbering resources would be implemented within a short period of time. It established standards for obtaining these limited numbers that included a requirement that each applicant certify its plan to activate the number(s) within one (1) year after assignment of the number(s).<sup>4</sup> Further, the NANPA established reclamation procedures by which those 555 numbers that were not implemented within this time frame would be recycled for use by other parties.<sup>5</sup> However, more than five (5) years later and his despite extensive efforts, Mr. Gannon has been prevented

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<sup>3</sup> Notice at ¶ 49.

<sup>4</sup> "555 NXX Assignment Guidelines," INC 94-0429-002, The Alliance for Telecommunications Industry Solutions (July 13, 1998) at 7.

<sup>5</sup> *Id.* at 13-14.

from activating his assigned 555 numbers, as have virtually all holders of 555 numbers.

Fortunately, the NANPA has taken no actions to reclaim any of the 555 numbers, but its intent that consumers have the benefit of 555-based IP services has been thwarted for too long.

Over the years, Mr. Gannon has made numerous attempts to coordinate activation of his assigned 555 numbers with LECs across the country. In order to provide national information services to the broadest range of consumers, Mr. Gannon has sought activation of his numbers primarily at the end offices of the Bell Operating Companies (“BOCs”). To date, Mr. Gannon has been stymied even in his efforts to identify the correct BOC personnel who are familiar with the 555 number program and process for activation. In Mr. Gannon’s experience, even the personnel who implement 800, 888, 976 and other assigned information services numbers for the BOCs cannot identify the internal procedures for implementing 555 numbers or direct Mr. Gannon to any personnel who can do so. The Commission’s consideration of use of 555 numbers for DA may now provide the impetus the BOCs and other LECs need to finally implement these numbers. It is unfortunate that entities that obtained 555 numbers are forced to use the forum created by the instant *Notice* to solicit Commission assistance on this matter. Without Commission encouragement or mandate, LECs should translate all properly assigned, legitimate telephone numbers, such as those designated with the 555 NXX (and not just numbers with the 800, 866, 877, and 888 NPAs). LECs should not be able to choose for whose or which numbers they will provide central office translations.

In the instant Notice, the Commission considers a request that Metro One Telecommunications, Inc. (“Metro One”) made in its May 30 2000 comments in response to Telegate’s Proposal for Presubscription to 411 Directory Assistance Services (“Metro One Comments”). Specifically, Metro One suggests that access to DA services via the 555 code

might offer an effective alternative to presubscription to 411 information services. However, Metro One has faced the same implementation problems as Mr. Gannon and the Companies have experienced, *i.e.*, that “most LECs will not activate Metro One’s assigned ‘555’ numbers.”<sup>6</sup> Therefore, Metro One correctly notes that if the Commission adopts the 555 dialing pattern for DA, it will be necessary to “promulgate and enforce rules and adopt procedures to ensure that . . . ‘555’ services are made available and activated promptly and that the rates for the services are nondiscriminatory and cost-based.”<sup>7</sup>

In the Notice, the Commission seeks comment on whether there are technical or other barriers that could block the use of 555 numbers for DA absent specific Commission action to overcome such barriers.<sup>8</sup> The Commission also seeks data on the costs associated with implementing 555 services.<sup>9</sup> We believe Commission adoption of 555 numbers for DA services would provide immediate incentive for BOCs and other LECs finally to pursue the technical and administrative actions necessary to allow other holders of 555 numbers actually to implement them. Perhaps the LECs have declined to adopt the procedures and systems necessary to perform central office translations of 555 numbers to date because there are so few 555 numbers (*e.g.*, 10,000) as compared to 1-8XX numbers. Therefore, the LEC reasoning may be that there is not ample demand for use of the numbers to justify any effort associated with activating the numbers. If the Commission were to adopt the 555 dialing pattern for DA services, the immediate increased demand could provide the necessary impetus for all LECs to implement – or, if necessary, the need for the Commission to mandate – appropriate systems and procedures for the prompt activation of all 555 numbers.

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<sup>6</sup> Metro One Comments at 6.

<sup>7</sup> *Id.*

<sup>8</sup> *Notice* at ¶ 48.

<sup>9</sup> *Id.*

Nearly fifteen years ago, the Commission initiated a rulemaking entitled, *In the Matter of the Provision of Access for 800 Service* (CC Docket No. 86-10), to establish a database system to allow portability of interexchange 800 numbers. To the extent there are no significant technical barriers, the Commission could require LECs to adapt (and modify if necessary) the existing 800 database system and procedures to include activation and routing of 555 numbers. Once the LECs establish procedures for activating the DA-associated 555 numbers, other holders of 555 numbers finally could bring their competitive information services to the market, to the great and intended benefit of the consuming public.

Any surge in demand, however, could give rise to an unreasonable windfall for the LECs if the Commission does not also ensure that the rates LECs charge for 555 access services are nondiscriminatory and cost-based. Just as the Commission mandated the rate structure for the 800 database system rates and closely reviewed the LECs' tariffs, it similarly should ensure that the rates LECs charge for 555 access are reasonable and nondiscriminatory. For example, the LECs should not be able to charge for access based on the type of information service provided over a 555 number: DA providers and entities such as Mr. Gannon and the Companies should be charged the same rate for the same functionality.

For the foregoing reasons, Mr. Gannon and the Companies encourage the Commission to adopt the 555 dialing pattern for DA services and to mandate the necessary framework to ensure that LECs finally make 555 dialing patterns available to assignees of 555 numbers.

Respectfully Submitted,

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William Gannon,  
WEPS Inc.,  
Raceway.com and  
Hobby.com Inc.  
265 Sunrise Highway, Suite 310  
Rockville Centre, NY 11570  
Telephone: (516) 378-9116  
Facsimile: (516) 223-6194

/s/

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Peggy A. Miller, Esq. and  
Elizabeth Dickerson, Esq.  
LeBoeuf, Lamb, Greene & MacRae, LLP  
1875 Connecticut Avenue, NW  
Washington, DC 20009  
Telephone: (202) 986-8000  
Facsimile: (202) 986-8102  
Counsel to William Gannon

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